

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON  
RAISED BILL 6644, AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC  
HEALTH STATUTES**

**March 20, 2013**

The Freedom of Information Commission appreciates the opportunity to comment on Raised Bill 6644, An Act Concerning Various Revisions to the Public Health Statutes.

**The Commission is concerned with section 7 of the bill, which amends section 52-146o(a) of the General Statutes.** Currently, the statute prohibits physicians and surgeons from disclosing communications and information obtained from patients or their conservators or guardians with respect to any actual or supposed physical or mental disease or disorder during any civil action, or probate, legislative or administrative proceeding, with certain exceptions. This portion of the statute has remained unchanged since 1996.

We understand from the proponents of the bill that the proposed amendment corrects a prior erroneous deletion of certain language (“or other health care provider”) that occurred during the original enactment of the bill. According to the proponents, the scope of patient information disclosure protection may be erroneously limited to physicians and surgeons due to this deletion. Thus, again according to the proponents, the proposed amendment will reinstate patient information disclosure protection to all relevant healthcare providers.

The proposed amendment refers back to section 20-7b of the General Statutes, which in turn references many other chapters of the General Statutes. Thus, the actual effect of the proposed language in section 7 would be to add a laundry list of other types of healthcare providers given the evidentiary privilege set forth in section 52-146o(a). The list would expand not simply to psychologists and nurses but also to: athletic trainers, physical therapists, occupational therapists, alcohol and drug counselors, nurses’ aides, dental hygienists, veterinarians, massage therapists, and electrologists, among other specialists.

The Commission is not sure if such expansion of providers is the intent of the proponents; however, we believe, if passed, this provision would have a sweeping result. We urge the committee to carefully consider the proposal before greatly expanding the evidentiary privilege without good reason.

For further information contact: Colleen M. Murphy, Executive Director and General Counsel or Mary Schwind, Managing Director and Associate General Counsel at (860) 566-5682.